

REFERENCE TITLE: **special organization plates; personalization**

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2233

Introduced by
Representatives Weiers JP: Gowan, Montenegro

AN ACT

AMENDING SECTIONS 28-2404 AND 28-2409, ARIZONA REVISED STATUTES; RELATING TO SPECIAL LICENSE PLATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-2404, Arizona Revised Statutes, is amended to
3 read:

4 28-2404. Special organization plates; state highway fund
5 account: definitions

6 A. An organization may submit a request to the department on a form
7 prescribed by the department for a special organization plate. In the
8 request the organization may propose suggested indicia for the special
9 organization plate that are indicative of the organization. If the
10 department determines the organization meets the requirements of an
11 organization as defined in this section, the department shall submit the
12 request for a special organization plate to the license plate commission
13 established by section 28-2405.

14 B. The commission shall determine and inform the department whether
15 the requested special organization plate is authorized. The commission shall
16 authorize a special organization plate if the organization meets the
17 following requirements:

18 1. The primary activity or interest of the organization serves the
19 community, contributes to the welfare of others and is not offensive or
20 discriminatory in its purpose, nature, activity or name.

21 2. The name of the organization or any part of the organization's
22 purpose does not promote any specific product or brand name that is provided
23 for sale.

24 3. The purpose of the organization does not promote a specific
25 religion, faith or antireligious belief.

26 C. If the commission authorizes the special organization plate
27 pursuant to subsection B of this section, section 28-2403 and the following
28 requirements and procedures apply:

29 1. The department shall inform the organization of the authorization
30 by the commission of the requested special organization plate and the
31 requirements of this subsection.

32 2. The organization shall collect and hold applications from its
33 members and the required fees for the special organization plates.

34 3. The organization shall refund all fees to applicants if the
35 department refunds the fees to the organization.

36 4. The organization shall submit the applications and fees to the
37 department by January 1 of any calendar year.

38 5. The department shall design and issue the requested special plate
39 within one year after receiving the applications and fees if the department
40 determines that both of the following apply:

- 41 (a) The applicants are qualified for the requested special plate.
42 (b) The monies paid for the plates are available to the state.

43 D. The determination of the commission of whether to authorize a
44 special organization plate and of the department of whether to issue a
45 special organization plate as required by this section is not subject to the

1 rule making provisions of title 41, chapter 6. The department shall file
2 with the secretary of state a document for publication in the administrative
3 code with the department's rules that names each special organization plate
4 that is authorized and issued pursuant to this section.

5 E. Monies collected pursuant to this section shall be deposited in a
6 separate account of the state highway fund pending the determination required
7 by subsection C, paragraph 5 of this section. The department shall deposit,
8 pursuant to sections 35-146 and 35-147, **IN THE STATE HIGHWAY FUND ACCOUNT** the
9 fees received with applications for each special organization plate ~~in the~~
10 ~~state highway fund account~~. The department shall use the monies in the
11 account to provide refunds to an organization if special organization plates
12 are not issued. Monies in the account that are not refunded shall be
13 deposited as required by law.

14 F. Eight dollars of the fee prescribed in section 28-2402 for original
15 special plates and the renewal of special plates issued under this section is
16 a special plate administration fee and seventeen dollars is an annual
17 donation to the organization. If the fees are not refunded and the special
18 plates are issued pursuant to this section, the department shall retain the
19 special plate administration fees in the state highway fund established by
20 section 28-6991 to cover administration costs and shall transmit the
21 donations as authorized in a written resolution of the organization.

22 G. THE DIRECTOR SHALL ALLOW A REQUEST FOR A SPECIAL ORGANIZATION PLATE
23 TO BE COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES. THE REQUEST
24 SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR
25 THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR THE
26 ORGANIZATION SPECIAL PLATE.

27 H. SPECIAL ORGANIZATION PLATES THAT ARE ISSUED PURSUANT TO THIS
28 SECTION SHALL BE AVAILABLE FOR VEHICLES, INCLUDING TRAILERS.

29 **G. I.** For the purposes of this section:

30 1. "Commission" means the license plate commission established by
31 section 28-2405.

32 2. "Organization" means an entity that is organized as a nonprofit
33 corporation pursuant to title 10, chapters 24 through 40 and that either:

34 (a) Certifies to the department that the organization has at least two
35 hundred members.

36 (b) If the organization has fewer than two hundred members, agrees to
37 pay the production and program costs of the special organization plate as
38 determined by the commission.

39 Sec. 2. Section 28-2409, Arizona Revised Statutes, is amended to read:

40 28-2409. International symbol of access special plates;
41 placard; definitions

42 A. The department shall issue special plates bearing the international
43 symbol of access to either:

44 1. A person who is permanently physically disabled and who is an owner
45 or lessee of a motor vehicle.

1 2. An organization that owns or leases a motor vehicle that primarily
2 transports physically disabled persons.

3 B. A permanently disabled special plate issued under this section is
4 valid for as long as the person to whom the plate is issued qualifies for
5 issuance under this section.

6 C. A person who is permanently physically disabled may obtain, if
7 qualified, a permanently disabled removable windshield placard. A person who
8 is temporarily physically disabled may obtain, if qualified, a temporarily
9 disabled removable windshield placard. An organization that primarily
10 transports physically disabled persons may obtain, if qualified, a placard
11 for each of the qualified vehicles. The department shall issue only one
12 valid placard to a temporarily or permanently physically disabled applicant,
13 except to replace a lost, stolen or mutilated placard or if the department
14 determines, on receiving the applicant's written request, that the needs of
15 the applicant are such that two valid placards are required. The department
16 shall issue a placard pursuant to this section at no additional charge.

17 D. A permanently disabled removable windshield placard issued or
18 renewed under this section is valid for five years. A temporarily disabled
19 removable windshield placard issued or renewed under this section is valid
20 for a period of time as determined by the department. A person who desires
21 to obtain a temporarily disabled removable windshield placard for an
22 additional period of time shall submit a new application.

23 E. A person or organization that desires to obtain a permanently
24 disabled or temporarily disabled removable windshield placard or
25 international symbol of access special plates shall submit an application to
26 the department on a form furnished by the department that contains one of the
27 following:

28 1. If a permanently or temporarily disabled person, a certificate
29 completed by a hospital administrator, an authorized physician or a
30 registered nurse practitioner that certifies that the applicant is physically
31 disabled.

32 2. If an organization, a signed statement by an authorized officer of
33 the organization affirming that the registered vehicle that is owned or
34 leased by the organization and that will display the placard or the
35 international symbol of access special plates primarily transports physically
36 disabled persons.

37 F. On receipt of the application containing the medical certificate or
38 signed statement, if the department finds that the applicant qualifies for
39 the parking privileges pursuant to chapter 3, article 14 of this title, the
40 department shall issue the placard or international symbol of access special
41 plates.

42 G. A person or an organization desiring to renew a permanently
43 disabled removable windshield placard shall submit an application to the
44 department containing one of the following:

1 1. If a permanently disabled person, a signed statement by the person
2 that is witnessed by a department agent or notary public, that requests the
3 renewal of the placard and that affirms that the person is physically
4 disabled.

5 2. If an organization, a signed statement by an authorized officer of
6 the organization affirming that the registered vehicle that is owned or
7 leased by the organization and that will display the placard primarily
8 transports physically disabled persons.

9 H. The placard or international symbol of access special plates shall
10 be displayed on or in the motor vehicle in the manner prescribed by the
11 department.

12 I. A request for special plates issued under this section may be
13 combined with a request for an honored military license plate issued under
14 article 13 of this chapter, **A SPECIAL ORGANIZATION PLATE ISSUED UNDER SECTION**
15 28-2404 or any other special plate. The department shall prescribe the form
16 for the request. The request is subject to payment of only the fee required
17 for the honored military license plate, **SPECIAL ORGANIZATION PLATE** or other
18 special plate and is not subject to any other special plate fee under section
19 28-2402. An international symbol of access special plate that is combined
20 with an honored military license plate, **A SPECIAL ORGANIZATION PLATE** or any
21 other special plate is not a personalized special plate under section
22 28-2406.

23 J. For the purposes of this section:

24 1. "Authorized physician" means a doctor of medicine, osteopathy,
25 podiatry or chiropractic licensed to practice medicine in this state or
26 another state or authorized by the United States government to practice
27 medicine.

28 2. "Permanently disabled removable windshield placard" means a
29 two-sided, hooked placard that includes on each side all of the following:

30 (a) The international symbol of access that is at least three inches
31 in height, that is centered on the placard and that is white on a blue
32 shield.

33 (b) An identification number.

34 (c) An expiration date.

35 (d) The seal or other identification of the issuing authority.

36 3. "Physically disabled person" means a person who, as determined by a
37 hospital administrator or authorized physician, meets any of the following
38 conditions:

39 (a) Cannot walk two hundred feet without stopping to rest.

40 (b) Cannot walk without the use of or assistance from any brace, cane,
41 crutch, other person, prosthetic device, wheelchair or other assistive
42 device.

43 (c) Is restricted by lung disease to such an extent that the person's
44 forced respiratory, expiratory volume for one second, if measured by

1 spirometry, is less than one liter, or the arterial oxygen tension is less
2 than sixty mm/Hg on room air at rest.

3 (d) Uses portable oxygen.

4 (e) Has a cardiac condition to the extent that the person's functional
5 limitations are classified in severity as class III or class IV according to
6 standards set by the American heart association.

7 (f) Is severely limited in the person's ability to walk due to an
8 arthritic, neurological or orthopedic condition.

9 4. "Temporarily disabled removable windshield placard" means a
10 two-sided, hooked placard that includes on each side all of the following:

11 (a) The international symbol of access that is at least three inches
12 in height, that is centered on the placard and that is white on a red shield.

13 (b) An identification number.

14 (c) A date of expiration.

15 (d) The seal or other identification of the issuing authority.